



**THE PRESIDENT CANNOT FIRE A LAW ENFORCEMENT OFFICIAL TO INTERVENE
IN AN INVESTIGATION FOR CORRUPT OR SELF-INTERESTED PURPOSES**

It is unconstitutional for the President to fire a DOJ official for the purpose of influencing a specific DOJ investigation or for self-interested or corrupt purposes.

In a constitutional democracy, those in office should not wield the powers of the state to benefit themselves and their political allies or to punish their opponents. It is unconstitutional for the President to interfere with law enforcement for personal or corrupted interest. White House interference designed to halt an investigation of the President or his associates, including firing DOJ officials to prevent legal inquiry into the lawfulness of certain Presidential conduct, would violate the Take Care Clause and the Bill of Rights. The President is not faithfully executing the law or upholding his oath of office when he interferes with an investigation to protect himself or his allies. The President's interference into specific law enforcement matters can also lead to unequal or capricious application of the law, which would also violate the Fifth Amendment.

No one is above the law, particularly the country's chief law enforcement officer.

No American gets to choose who investigates, prosecutes, or judges them. The President doesn't either. If those in power can shield themselves and their allies from governmental investigation into wrongdoing, then we have lost the rule of law. As Thomas Jefferson observed, and the Justice Department quotes on its website, "The most sacred of the duties of government [is] to do equal and impartial justice to all its citizens." See U.S. Department of Justice, *About DOJ*, <https://www.justice.gov/about>. White House intervention to fire DOJ officials for the purpose of preventing the Department from investigating the President or his allies violates that sacred duty.

The powers given by the Constitution to the President to hire and fire people are constrained by the other parts of the Constitution.

The President's Article II Appointments Clause power is not unfettered. The President does not have the authority to select or remove DOJ officials for reasons that are not faithful to his oath and obligations under the Constitution. See Morrison v. Olson, 487 U.S. 654 (1988). This is particularly true for inferior officers, meaning those he does not directly appoint, including Robert Mueller.